

**IN THE CLAIMS:**

Please amend the claims as indicated below, without prejudice:

Claims 1-24 (canceled)

25. (Original) A fence system comprising:

a rail configured to be supported in a laterally extending orientation for supporting a plurality of fence planks in a fixed position;

a plurality of fence planks configured and arranged to be supported by the rail; and

spacing means for being inserted into the rail between at least some of the fence planks to thereby maintain a minimum spacing between said at least some of the fence planks.

26. (Original) The fence system of claim 25, wherein the spacing means further comprises a plurality spacers, each spacer comprising a plurality of ribs formed thereon.

27. (Original) The fence system of claim 25, wherein the spacing means further comprises a plurality of spacers, each spacer comprising:

an upper wall;

a first sidewall and an opposing second sidewall, said first and second sidewalls extending from the upper wall in a substantial parallel orientation to form a channel therebetween.

28. (Original) The fence system of claim 27, wherein each spacer is made of a resilient material having elastic memory to thereby enable the first and second sidewalls to flex inwardly toward each other when subjected to a compressive force.

29. (Original) The fence system of claim 27, wherein each spacer further comprises a rib disposed on an outer surface of the first sidewall, and another rib disposed on an outer surface of the second sidewall.

30. (Original) The fence system of claim 27, wherein each spacer further comprises a first plurality of elongate ribs disposed on an outer surface of the first sidewall, and a second plurality of ribs disposed on an outer surface of the second sidewall.

31. (Original) The fence system of claim 25, wherein the spacing means is made of a resilient material having elastic memory.

32. (Original) The fence system of claim 25, wherein the spacing means further comprises a plurality of spacers, each spacer comprising:

an upper wall;

a first sidewall having an upper section and a lower section that cooperatively form a non-straight angle therebetween, and an opposing second sidewall having an upper section and a lower section that cooperatively form a non-straight angle therebetween, such that the first and second sidewalls each have a concave surface and wherein the concave surfaces are facing each other.

33. (Original) The fence system of claim 32, wherein the first and second sidewalls each have a convex surface and wherein each spacer further comprises a first elongate rib disposed on the convex surface of the first sidewall and a second elongate rib disposed on the convex surface of the second sidewall.

34. (Original) The fence system of claim 25, wherein the fence planks comprise a substantially rectangular cross section having four sides, each side being characterized by an absence of bumps or grooves.

35. (Original) The fence system of claim 27, wherein each spacer further comprises a bottom wall disposed between the first and second sidewalls such that the upper wall, bottom wall, first sidewall and second sidewall collectively form a channel that is closed along its length.

36. (Original) The fence system of claim 35, wherein the rail includes an open channel formed therein and an elongate opening extending along at least a majority length of the rail means, said open channel having a depth,

37. (Original) The fence system of claim 36, wherein the spacer has a height that is not larger than the depth of the open channel of the rail to thereby enable said spacer to be placed completely into said open channel such that every portion of said spacer resides within said open channel.

Claims 38-52 (Canceled)

53. (Original) A fence system comprising:

rail means configured to be supported in a laterally extending orientation for supporting a plurality of fence planks in a fixed position, wherein the rail means further comprises (i) an open upper channel defining an elongate upper opening extending along at least a majority length of the rail means, and (ii) an open lower channel defining an elongate lower opening extending along at least a majority length of the rail means, such that said rail means has a generally H-shaped cross section;

first barrier means for inserting into the open upper channel of the rail means and for defining an upper boundary extending along at least a portion of the rail means;

second barrier means for inserting into the open lower channel of the rail means and for defining a lower boundary extending along at least a portion of the rail means;

wherein at least one of the channels is defined by a first sidewall and an opposing second sidewall and wherein at least one ledge protrudes from one of said sidewalls into said at least one of the channels;

wherein at least one of the barrier means includes at least one protrusion extending outwardly from said barrier means, said protrusion being configured for protruding into engagement with the at least one ledge when said at least one of the barrier means is inserted into the at least one of the channels to thereby inhibit removal of said barrier means from the rail means.

54. (Original) The fence system of claim 53, wherein one of the barrier means comprises a plurality of fence planks.

55. (Original) The fence system of claim 54, further comprising:

spacing means for being inserted into the rail means between at least some of the fence planks to thereby maintain a minimum spacing between said at least some of the fence planks.

56. (Original) The fence system of claim 53, wherein one of the barrier means comprises a plurality of fence planks, and wherein the fence system further comprises:

cap means for covering at least one of the channels, said cap means including spaced-apart openings formed therein for receiving the fence planks therethrough, respectively.

57. (Original) A fence system comprising:

a multi-position rail configured to be supported in a laterally extending, elevated orientation, said rail including supporting means for (i) supporting a first boundary-defining barrier means in vertical alignment with respect to said rail when said rail is disposed in a first orientation, and (ii) supporting a second boundary-defining barrier means in a lateral orientation with respect to said rail when said rail is disposed in a second orientation;

a boundary-defining barrier means configured and arranged to be supported by the rail, wherein the boundary-defining barrier means further comprises a plurality of fence planks;

wherein the supporting means further comprises a first interior side wall and an opposing second interior sidewall defining an open channel therebetween and an elongate opening extending along at least a majority length of the multi-position rail, and a first projection protruding outwardly from the first interior sidewall, and wherein the boundary-defining barrier means further comprises a plurality of fence planks each having a first end for inserting into the open channel of the supporting means, wherein at least some of said fence planks include a first protrusion projecting outwardly from the planks, said planks and protrusions being configured and dimensioned to enable the first protrusion to engage against the first projection of the supporting means such that said planks are supported in place by the multi-position rail;

wherein the supporting means further comprises a second projection protruding outwardly from the second interior sidewall, and wherein at least some of the planks include a second protrusion in addition to the first protrusion, said planks and protrusions being configured and dimensioned to enable the first and second protrusions to engage against the first and second projections for increased support of the planks by the multi-position rail;

wherein the multi-position rail comprises an upper rail, the fence system further comprising:

a lower, multi-position rail including supporting means for (i) supporting a lower section of the first boundary-defining barrier means in vertical alignment with respect to said lower, multi-position rail when said lower rail is disposed in a first orientation, and (ii) supporting a lower section of the second boundary-defining means in a lateral orientation with respect to said lower, multi-position rail when said lower rail is disposed in a second orientation;

cap means for covering at least a portion of the open channel and intercoupling the rail and the boundary-defining barrier means such that said cap means resides between said rail and said barrier means;

wherein the supporting means further comprises a first projection protruding outwardly from the first interior sidewall;

wherein the multi-position rail includes a cross section having a first, longer dimension and a second, shorter dimension, and wherein the first, longer dimension extends in a substantial vertical direction when said rail is disposed in the first orientation;

wherein the second, shorter dimension extends in a substantial vertical direction when said rail is disposed in the second orientation; and



spacing means for being inserted into the rail between at least some of the fence planks to thereby maintain a minimum spacing between said at least some of the fence planks.

58. (Original) A method of assembling a plurality of fences, said method comprising the steps of:

(a) selecting a first multi-position rail;

(b) supporting the first multi-position rail in a laterally extending, elevated orientation such that said first multi-position rail is disposed in a first cross-sectional orientation, and coupling a first barrier means to said rail such that the first barrier means and the rail are disposed in vertical alignment to thereby form a first fence;

(c) selecting a second multi-position rail having substantially the same cross-sectional dimensions as the first multi-position rail; and

(d) supporting the second multi-position rail in a laterally extending, elevated orientation such that said second multi-position rail is disposed in a second cross-sectional orientation that is rotationally displaced in comparison to the first cross-sectional orientation, and coupling a second barrier means to said second multi-position rail such that the second barrier means and the second rail are disposed in a lateral orientation with respect to each other to thereby form a second fence.

59. (Original) A method of assembling a fence, said method comprising the steps of:

(a) selecting an elongate rail having an open channel formed as a portion of the rail, said open channel defining an elongate opening extending along at least a majority length of the rail;

(b) coupling an elongate cap member to the rail such that said cap member covers at least a portion of the open channel of the rail;

(c) coupling a barrier means to the cap member such that said barrier means extends from said cap member to form a fence.

60. (Original) A method of assembling a fence, said method comprising the steps of:

(a) selecting an elongate rail having an open channel formed as a portion of the rail, said open channel defining an elongate opening extending along at least a majority length of the rail;

(b) coupling an elongate cap member to the rail such that said cap member covers at least a portion of the open channel of the rail, said cap member having spaced-apart openings formed therein;

(c) placing a plurality of fence planks through the openings of the cap member, respectively, such that said fence planks extend sequentially from the open channel of the rail through the openings of the cap member and away from the rail and cap member to thereby form a fence.

61. (Original) A method of assembling a fence, said method comprising the steps of:

(a) selecting an elongate rail having an open channel formed as a portion of the rail, said open channel defining an elongate opening extending along at least a majority length of the rail; and

(b) inserting a plurality of ends of fence planks into the open channel such that said fence planks extend outwardly from said channel and inserting a plurality of spacers into the open channel and between the planks, respectively, to thereby maintain a minimum spacing between said planks.

62. (New) A method of assembling a fence, said method comprising the steps of:

(a) selecting an elongate rail having an open channel formed as a portion of the rail, said open channel defining an elongate opening extending along at least a majority length of the rail;

(b) selecting an elongate cap member configured to cover at least a portion of the open channel;

(c) placing fastening means through said cap to couple a barrier means to the cap member;

(d) coupling said cap member to said rail.

63. (New) The method of claim 62, further comprising attaching said barrier means to said rail without passing said barrier means through said cap member.